

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DEVIN KEITT, (06A2122),

Plaintiff,

v.

ORDER  
11-CV-855A

JOHN/JANE DOE, ET AL.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 8, 2013, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion pursuant to Fed. R. Civ. P. ("Rule") 41(b) to dismiss the action for failure to prosecute be denied, without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion pursuant to Fed. R. Civ. P. ("Rule") 41(b) to dismiss the action for failure to prosecute is denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: December 5, 2013